United Nations E/CN.18/2009/13/Add.3

Economic and Social Council

Distr.: General
26 January 2009

Original: English

United Nations Forum on Forests
Eighth session
New York, 20 April-1 May 2009
Item 7 of the provisional agenda*
Multi-stakeholder dialogue

Discussion paper contributed by the non-governmental organizations and indigenous peoples major group

Summary

The global forest crisis continues unabated despite more than 13 years of global forest policy dialogue in the Intergovernmental Panel on Forests (from 1995 to 1997), the Intergovernmental Forum on Forests (from 1997 to 2000), the United Nations Forum on Forests (from 2000 onward) and in parallel discussions within the framework of legally binding instruments such as the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the International Tropical Timber Agreement.

Much of the forest policy dialogue in those forums has been dominated either by discussion of the need for an international, legally (or non-legally) binding instrument or by preparations to discuss the need for such an instrument, to the detriment of precise and committed government action to halt the crisis. During the sixth session of the United Nations Forum on Forests, Governments finally agreed to develop a non-legally binding instrument and at the seventh session, the United Nations Forum on Forests adopted that instrument and a multi-year programme of work for the Forum on Forests and the non-legally binding instrument for 2007-2015.

* E/CN.18/2009/1.

09-22059 (E) 170209

The United Nations Framework Convention on Climate Change focuses much of its attention on reducing emissions from deforestation and forest degradation in developing countries as a contribution to climate change mitigation in general. However, there is increasing recognition that policies to reduce emissions from deforestation and forest degradation in developing countries could have significant impact on the rights and governance structures of indigenous peoples and other forest-dependent peoples, especially as an agreement on such reductions might lead to significantly increased financial flows for forest policy. A main concern related to rights and equity is the risk that the benefits and costs of such emissions reduction initiatives will not be shared equitably with the indigenous peoples and local communities that have historically been responsible for the conservation and sustainable use of large tracts of forest and other carbon-rich ecosystems. It should also be ensured that policies to reduce emissions from deforestation and forest degradation in developing countries promote coherence between and compliance with various legally binding and non-legally binding instruments related to forests, including, in particular, the Convention on Biological Diversity. Representatives of non-governmental organizations and indigenous peoples' organizations believe that it is necessary to ensure that immediate action is taken to halt the alarming destruction of forests worldwide and that those actions:

(a) Are consistent with international human rights instruments and the Convention on Biological Diversity;

(b) Recognize, respect and support the implementation of the customary rights of indigenous peoples and local communities that live in and/or depend on forests;

(c) Address the underlying causes of deforestation and forest degradation, as well as the need for the readjustment of financial flows and the reduction of consumption;

(d) Establish genuine community forest governance that empowers forest and forest-dependent peoples;

(e) Address the perverse effects of the erroneous inclusion of monoculture tree plantations under the forest definitions of various United Nations entities such as the Food and Agriculture Organization of the United Nations, the secretariats of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, and the United Nations Forum on Forests;

(f) Prohibit the use of market-distorting schemes such as forest and tree plantation certification by the Forest Stewardship Council that impact negatively on local people and biodiversity;

(g) Implement and provide ongoing economic support for community-based forest ecosystem restoration and rehabilitation as a major measure to address forest loss and degradation.

Contents

		Page
I.	Introduction	4
II.	Brief assessment of the implementation of relevant proposals for action of the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests	4
III.	Priority areas for action	6
IV.	Recommendations	7

I. Introduction

1. The present discussion paper has been prepared by a coalition of non-governmental organizations and indigenous peoples' organizations working together in the Global Forest Coalition. The Coalition (formerly known as the NGO Forest Working Group) was established in 1995 to bring the views of non-governmental organizations (NGOs) and indigenous peoples' organizations to the various international forest policy forums and negotiations. The Coalition also facilitates the informed participation of NGOs and indigenous peoples' organizations in those processes, including the Intergovernmental Panel on Forests, the Intergovernmental Forum on Forests, the United Nations Forum on Forests, the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change.

2. The global forest crisis continues unabated despite more than 13 years of global forest policy dialogue in the Intergovernmental Panel on Forests (from 1995 to 1997), the Intergovernmental Forum on Forests (from 1997 to 2000), the United Nations Forum on Forests (from 2000 onward) and in parallel discussions within the framework of legally binding instruments such as the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the International Tropical Timber Agreement. Much of the forest policy dialogue in those forums has been dominated either by a discussion of the need for an international, legally (or non-legally) binding instrument or by preparations to discuss the need for such an instrument, to the detriment of precise and committed government action to actually halt the crisis affecting the world's forests and their peoples.

3. Governments are not much closer to implementing precise policies to address the crisis than they were 13 years ago; and since the United Nations Forum on Forests and its predecessors have failed to reverse the devastating trend, it remains unclear how such an instrument would be successful in addressing the issues that need to be tackled. During the sixth session of the Forum on Forests, Governments finally agreed to develop a non-legally binding instrument, and at the seventh session, it adopted that instrument and a multi-year programme of work for the Forum and the non-legally binding instrument for 2007-2015.

II. Brief assessment of the implementation of relevant proposals for action of the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests

4. There have been numerous proposals for appropriate action by the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests to address issues of concern to non-governmental organizations and indigenous peoples' organizations involved in international forest policy negotiations, such as those dealing with the underlying causes of deforestation and forest degradation, traditional forest-related knowledge, indigenous peoples' and local communities' rights, criteria and indicators for sustainable forest management and monitoring, assessment and reporting on implementation of policies and laws related to sustainable forest management, to name but a few.

5. Environment-related and community-based non-governmental organizations and indigenous peoples' organizations have been actively involved in implementing some of those proposals for action. For example, during 1997 and 1998, together with the United Nations Environment Programme, several Governments and many local communities, seven regional workshops on the issue of underlying causes of deforestation and forest degradation were organized by non-governmental organizations. In January 1999, two global workshops on the issue were organized: one in Ecuador exclusively devoted to indigenous peoples' views, and a global workshop involving all interested stakeholders in San José, Costa Rica. That process was set up to implement the Intergovernmental Panel on Forests proposal for action 27 (c). As a follow-up to those regional and global events, 15 national workshops were organized to address the underlying causes of deforestation and forest degradation. Workshops will be held on all continents.

6. In addition, NGOs and indigenous peoples' organizations initiated a series of independent monitoring exercises, assessing the level of implementation of the Intergovernmental Panel on Forests proposals for action. The results of that exercise were presented in condensed form in the 1998 report titled "Keeping the Promise" submitted for consideration by the United Nations Forum on Forests.

7. Additionally, non-governmental organizations and indigenous peoples' organizations executed a similar independent monitoring process focusing on the implementation of the forest-related clauses of the Convention on Biological Diversity, which was presented at the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity, in 2002. The Global Forest Coalition prepared a similar exercise to address the implementation of forest-related obligations under the United Nations Framework Convention on Climate Change and presented it at the eleventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, in Montreal, Canada in November 2005. In 2008, the Global Forest Coalition produced a report on the implementation of the expanded programme of work on forest biodiversity of the Convention on Biological Diversity, which was adopted in 2002 by 22 independent non-governmental organizations and indigenous peoples' organizations in 22 different countries. Important conclusions of the reports included the need for improved policy coherence in the field of forests and inappropriate implementation of the expanded programme of work on forest biodiversity of the Convention on Biological Diversity in most of the countries covered in the monitoring exercises.

8. Non-governmental organizations believe that the involvement of non-governmental organizations and indigenous peoples' organizations in the implementation of some proposals for action of the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests was constructive and encouraging, as those proposals undertaken with their involvement are among the very few proposals fully implemented at the global level so far.

9. Non-governmental organizations and indigenous peoples' organizations remain engaged in forums that offer participation opportunities and effective representation of civil society's views. However, there are serious constraints that hinder the desired modalities and the ability of groups to participate and contribute substantially to those processes, including inadequate financial provisions and restraining participation and accreditation rules of the Economic and Social Council, to name but a few, which discourage many interested non-governmental

organizations and indigenous peoples' organizations. Multi-stakeholder dialogues organized on the basis of modalities proposed by the secretariat of the United Nations Forum on Forests have been seen by non-governmental organizations, indigenous peoples' organizations and other major groups as a way to segregate the input provided by those stakeholders. The proposals emanating from the non-governmental organization and indigenous peoples' organization perspective encompassed a more dynamic set-up for dialogue, which included at its core an attempt to report and debate issues related to implementation rather than the one-sided and non-action-oriented debates in which the Forum had engaged owing to lack of reporting commitments. Moreover, the results of those dialogues were rarely included in the reports of the Secretary-General. Most NGOs and indigenous peoples' organizations involved in the international forest policy debate think that multi-stakeholder dialogues are inappropriate vehicles through which to channel the views of civil society. Unless radical changes occur that allow for effective implementation of the proposals and views of major groups, the organization of those events is discouraged.

10. In order to take better advantage of the contributions by NGOs and indigenous peoples' organizations to the implementation of the non-legally binding instrument, NGOs and indigenous peoples' organizations, together with the other major groups, propose a major groups initiative in the form of an intersessional meeting to discuss ways to stop deforestation and forest degradation with the support of civil society. That meeting should take place by the end of 2009 or the beginning of 2010 and contribute to deliberations at the ninth session of the United Nations Forum on Forests in 2011, which has been declared the International Year of Forests. The outcomes of the meeting could also contribute to other forest policy processes, in particular the discussions on reducing deforestation that take place under the United Nations Framework Convention on Climate Change and the discussions on how to significantly reduce biodiversity loss within the framework of the Convention on Biological Diversity. Representatives of major groups, participants from Governments and members of the Collaborative Partnership on Forests will jointly discuss optimal ways of coopération with civil society at the local, national and global levels in order to put an end to the global forest crisis.

III. Priority areas for action

11. The main constraints blocking effective action are undoubtedly the overwhelming influence of vested interests controlling the exploitation of forest resources, the equally grave lack of political will manifest in governmental attitudes towards forest conservation and sustainable use and an increasing trend of relying on the market to provide solutions, when in fact that is where many of the problems originate. The solution to the forest crisis should start with the implementation of existing commitments. In the past, non-governmental organizations and indigenous peoples' organizations have expressed their fears that the negotiation of a forest convention could easily mean another lost decade without decisive action to stop and reverse forest loss. The recently adopted non-legally binding instrument will not contribute anything substantial to the current situation unless it explicitly addresses the following underlying causes of forest loss: lack of recognition of indigenous peoples' rights, unsustainable consumption and production patterns and unsustainable financial and trade flows.

12. Non-governmental organizations and indigenous peoples' organizations are also deeply concerned about the lack of action by key actors, including Governments, intergovernmental organizations and the private sector, to curb the alarming rate of deforestation and forest degradation currently occurring. In addition to the need for emphasis on deforestation and forest degradation, another key area of concern for the forest sector is the lack of recognition of indigenous people and local communities based in or near forests and that depend on them. Without the full recognition of those rights and the implementation of corrective measures at all levels, any attempt to achieve sustainable forest management will be futile.

13. The rampant replacement of forests and other natural ecosystems with large-scale monoculture tree plantations, implemented following narrowly conceived productive and economic objectives and resulting in artificial constructs wrongly called "planted forests", is unequivocally a grave and direct cause of forest loss and degradation. The main reason for this is that the scientific paradigm of modern forestry is based upon ill-conceived definitions of forests, which introduce the erroneous assumption that forests can be replaced by artificial plantations. Through such an erroneous understanding of the nature of forests, a far-reaching plan for the speculative expansion of monoculture tree plantations has been devised and implemented worldwide. The pernicious effects of the plan represent an enormous threat to the last remaining forests.

14. A change of this convenient forestry paradigm is necessary if the last remaining natural forest ecosystems are to be saved. The reforestation efforts must be based on restoration of forests' natural attributes, which should be based on sound scientific and traditional knowledge, in a symbiotic assemblage that will reinstate ecological functionality and structure. Thus, the only proposals for action that would receive any support from most of the major groups are those directly devised to solve those issues.

15. The United Nations Framework Convention on Climate Change focuses its attention on reducing emissions from deforestation and degradation in developing countries as a contribution to climate change mitigation in general. There is increasing recognition that policies to reduce emissions from deforestation and degradation in developing countries might have substantial impacts on the rights and governance structures of indigenous peoples and other forest-dependent peoples, especially as an agreement on such reductions might lead to significantly increased financial flows for the development of monoculture tree plantations, including of genetically modified trees, and the isolation of forests for exclusive conservation purposes. A main concern related to rights and equity is the risk that the benefits and costs of initiatives related to such reductions will not be shared equitably with the indigenous peoples and local communities that have historically been responsible for the conservation and sustainable use of large tracts of forests and other carbon-rich ecosystems.

IV. Recommendations

16. **Non-governmental organizations and indigenous peoples' organizations believe that it is necessary to ensure that immediate action to halt the alarming destruction of forests worldwide is taken at the local, national and global levels and that that action:**

(a) Maintains consistency with international human rights and with the United Nations Declaration on the Rights of Indigenous Peoples;

(b) Recognizes, respects and supports the implementation of the customary rights of indigenous peoples and local communities that are based in and depend on forests;

(c) Addresses the underlying causes of deforestation and forest degradation, as well as the need for readjustment of financial flows and the reduction of consumption;

(d) Promotes genuine community forest governance that empowers forest peoples;

(e) Supports traditional forest-related knowledge;

(f) Takes into account the cultural and spiritual aspects of forests and develops approaches to deal with benefit-sharing in relation to forest-dependent communities;

(g) Establishes a financial mechanism that is accessible to indigenous peoples and local communities.

17. Any new forest conservation regime should:

(a) Ensure policy coherence and compliance between the various forest-related legally binding and non-legally binding instruments;

(b) Ensure full coherence between different international agreements in the field of forests and forest peoples' rights, including the Convention on Biological Diversity and United Nations Declaration on the Rights of Indigenous Peoples, which requires innovative cooperative structures at the international and national levels between and among the institutions responsible for implementing those agreements;

(c) Contribute to the Convention on Biological Diversity target of significantly reducing biodiversity loss by 2010;

(d) Contribute to a more equitable climate regime by taking into account the principle of common but differentiated responsibilities and ensuring compliance with the financial commitments made at the 1992 United Nations Conference on Environment and Development;

(e) Ensure that any emission reductions through forest conservation policies in developing countries are complementary to emission reductions in industrialized countries;

(f) Respect rights and address underlying causes;

(g) Ensure the full and effective participation and engagement of indigenous peoples and local communities in all stages of the development and implementation of policies and projects to reduce emissions from deforestation and forest degradation in developing countries. In certain cases, that might imply revisiting policies that have been developed without such engagement;

(h) Ensure equitable treatment of indigenous peoples, communities and countries that have successfully conserved forests and/or reduced deforestation. That implies that incentives should be de-linked from emission reductions;

(i) Take into account the gender dimension of different policies and incentives to conserve forests and fully respect the rights and needs of women in forest policies;

(j) Respect traditional and local institutions for natural resource management, effective forms of representation in co-management bodies and participatory democracy in general;

(k) Address the underlying causes of forest loss, including those related to unsustainable consumption of such products as wood, paper, meat and transport fuels;

(l) Provide a broad range of positive incentives for indigenous peoples' territories and other lands occupied or used by indigenous peoples and local communities;

(m) Provide a broad range of social, cultural, legal and economic incentives for forest conservation and sustainable use, especially by indigenous peoples and local communities. Conservation is and should be part of cultural identity and pride; provide a broad range of social, cultural, legal and economic incentives for forest restoration;

(n) Ensure that incentive schemes and other forest policies recognize, respect and/or are based on the historical, territorial and use rights of indigenous peoples and local communities. Recognizing indigenous peoples' territories and community conserved areas has proved to be a successful and equitable strategy to conserve forests. In the Brazilian Amazon and in other regions, indigenous territories are the areas where deforestation has been most effectively reduced over the past decades;

(o) Ensure that incentive schemes and other forest policies recognize and support the significant contribution that the strategy of recognizing indigenous territories and community conserved areas makes to forest conservation;

(p) Ensure that such incentive schemes do not undermine the customary governance systems of indigenous peoples' territories and community conserved areas and the values that have led to their success in forest conservation.